



Def & Ref

Atty. Dkt. No. 077319-0125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David W. LEUNG et al.
Title: HUMAN PHOSPHATIDIC ACID
PHOSPHATASE
Appl. No.: 08/842,827
Filing Date: 4/17/1997
Examiner: Rebecca E. Prouty
Art Unit: 1652

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request a refund of \$750.00 for a Petition to Revive fee that was paid by credit card.

Accompanying this request is a credit card authorization form authorizing a credit card charge of \$750.00 fee for the revival of the above-identified application, which became abandon for failure to make timely payment of the issue fee. However, Applicants' undersigned representative did not receive notification of the issue fee due date until after payment of the issue fee was due. Accordingly, Applicants are entitled to a refund of the requisite petition fee submitted to revive the application in order that the issue fee payment could be made. In support of this claim, Applicants point to the sworn declaration proffered by Foley & Lardner LLP docketing personnel declaring that the notice was not received until after payment of the issue fee was due. Moreover, a "docketing report" of all incoming U.S. patent correspondence from November 29, 2005 through March 6, 2006, indicating that the notice was not received until March 6, 2006, nearly a week after the issue fee payment was due on February 28, 2006.

Therefore, Applicant respectfully requests that a credit of \$\$750.00 be made to Deposit Account No. 19-0741.

In view of the foregoing, it is believed that no fee is required for filing this petition, but should a fee be required, the PTO is authorized to charge an appropriate fee for the filing of this petition to Deposit Account No. 19-0741.

Respectfully submitted,

Date 3 April 2006

By S. A. Bent

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